

REMARKS/ARGUMENTS

Claims 1, 3-12 and 14-20 are pending. Claims 2 and 13 were previously cancelled. No admission or representation is made by the present argument other than that explicitly provided herein.

Claim Rejections - 35 USC 103

Claims 1, 3-12 and 14-20 stand rejected under 35 U.S.C. 103(a) having regard to Martinez (U.S. Patent Publication No. 2002/0142792, hereinafter “Martinez”) in view of Moton Jr. et al., (U.S. Patent No. 7,116,977, hereinafter “Moton”). The Applicant submits that the independent claims are both novel and unobvious in view of Martinez and Moton alone or in combination for at least the reasons set forth below. The Applicant submits these further arguments as a response after final rejection in the hopes that the need to appeal the final rejection can be avoided.

Independent claims 1, 10 and 20 are directed to a method, a device and a computer program product, respectively, for controlling notification of events in a mobile device. The mobile device is capable of comparing time and location parameters to the current time and location, the location being determined using at least one of a cellular base station of a Global Positioning System (GPS). A first notification profile is activated, the profile comprising a first set of notification control options. A switch condition is defined by directly specifying at least one of the time and the location parameters. When the defined switch condition is satisfied, the device switches to a second notification profile comprising a second set of notification control options. The first and second notification profiles each define respective notification control options that apply to the notification of events generated by event generating and handling components. Each event is generated by a respective event generating and handling component, and the notification profiles each define notification control options for at least two different event generating and handling components on the mobile device. The event generating and handling components include at least two of an alarm, a calendar, email, phone and SMS.

An advantage of the presently claimed subject matter is that the switch of a single profile is able to affect the notification control options for more than one event generating and handling components. This allows for the efficient switching of notification control options without having to change the options for each event generating and handling component individually, which would be burdensome and require extra processor time and power. These features and advantages are not taught or suggested by Martinez.

Martinez discloses a method and apparatus for automated selection of user preference information for controlling the operation of a cellular telephone. In paragraphs [0021]-[0026], Martinez discloses a method of automating cellular telephone settings based on certain trigger conditions. Trigger conditions includes agenda items, battery conditions, public network detection and private network detection. Settings that may be selected automatically include: power-on lock, key pad lock, time and date, language, greeting, back light, contrast, system select, private network, public network, phone silent, ring tone, ring volume, vibrate, ear volume, key sound, access tone, minute alert, tone send, message alert, profiles, activation, screen calls, and next call type. Examples are provided showing how these settings are automatically changed based on an agenda item, detection of public versus private network, date and battery condition.

Notably, as the Applicant had argued in the previous response filed July 29, 2008, Martinez deals only with a cellular telephone, and the settings being selected pertain only to a cellular telephone. Martinez does not teach or suggest any additional component aside from a cellular telephone. Martinez cannot teach or suggest a notification profile that defines control options for at least two different event generating and handling components and particularly wherein the event generating and handling components on the mobile device include at least two of an alarm, a calendar, email, phone and SMS, as presently claimed, because Martinez envisions only one such component - the cellular telephone - and not a device having more than one event generating and handling component. In the present claims, the mobile device has more than one event generating and handling components, of which a telephone is only one component, as described in paragraph [0043] of the present application. Martinez clearly does not teach or suggest at least this feature.

In the Response to Arguments, the Office Action alleges that the description offers little for empirically narrowing the manner in which this claimed feature is interpreted. The Applicant submits that at least paragraphs [0041]-[0044] of the specification and FIG. 3 offers support for this feature and allows a person skilled in the art to properly interpret this feature. For example, FIG. 3 shows how different profiles (“Loud”, “Quiet”, “Disabled”, etc.) may be selected for specifying how events are to be notified by their respective event generating and handling component such as alarm, calendar, email, phone, SMS. A single profile may then be enabled to affect the notification control options applicable to all of, or optionally a subset of at least two of, the event generating and handling components on the device.

The Office Action also notes that in paragraphs [0034] and [0041]-[0042] of the present application, the specification states that the generating and handling component is a preferred PIM software/application downloaded on the mobile device for organization and management of data items relating to the user such as IM, email, calendar, voice mail, appointments and task items. The Applicant respectfully disagrees with this interpretation of the description. As stated in paragraph [0041], the PIM application “includes a plurality of event generating and handling components” (emphasis added). That is, it is not the case that the PIM application is itself a single event generating and handling component, as the Office Action alleges, but that it includes a plurality (i.e., at least two) of event generating and handling components, as recited in the present claims. The paragraph also lists examples of event generating and handling components, includes “an email component 316, telephone component 318, calendar component 320, alarm component 322 and SMS component 324.” This list agrees exactly with what is recited in the claims. Hence, it is clear that the description offers clear and unambiguous support for the claimed feature.

The Office Action also cites paragraphs [0008]-[0009], [0021]-[0022] and [0026]-[0029] of Martinez as teaching phone options such as silent, message alert, screen calls and key sound. However, contrary to what is alleged in the Office Action, Martinez does not teach such options as being associated with “generating and handling components on the mobile device [that] include at least two of an alarm, a calendar, email, phone and SMS” as presently claimed (emphasis added). As submitted in previous responses, most recently the response of July 29, 2008, Martinez is concerned only with one component - namely a phone. Martinez is clearly directed to a cellular phone and only a cellular phone. In contrast, a phone is only one of two components required by the present claims. All the options listed as examples in the Office Action - namely phone silent, message alert, screen calls, key sound, profiles, answer options activation and greeting - are phone options only, emphasizing the fact that Martinez is only concerned with a single component, that of a phone.

Finally, in the Response to Arguments, the Office Action rejects dependent claims 3-9, 11-12 and 14-19 “by virtue of their dependency on claims 1 and 10.” The Applicant submits that this is improper reasoning for rejection of these claims. Dependent claims recite features in addition to those of the independent claims. Such additional features may offer additional points of novelty and inventiveness over the independent claims. Indeed, 35 U.S.C. 112 paragraph 4 requires that a dependent claim shall “specify a further limitation of the subject matter claimed.” The Applicant notes that the dependent claims are properly individually addressed in later sections of the Office Action, however such a blanket statement in the Response to Arguments is worrisome and the Applicant asks that each dependent claim be given its full and due consideration.

The Office Action additionally cites paragraphs [0030], [0032] and [0037]-[0041] and FIGS. 6-8 of Martinez as disclosing the feature of the notification profiles defining control options that apply to the notification of events, each event being generated by a respective event generating and handling component, the profiles defining notification control options for at least two different event generating and handling components. Paragraph [0030] provides an example of an agenda item or a calendar being used as a trigger for selecting user preference information corresponding to various environments.

Paragraphs [0032] and [0037]-[0041] describe the method as a finite state machine, specifically how the telephone switches from one set of user profile information to another set based on a comparison of various specified trigger conditions. FIGS. 6-8 illustrate this switching. However, none of the cited passages or figures teaches or suggests that the user preferences contained in each profile are concerned with anything other than a cellular telephone. Even where an agenda or a calendar is mentioned, it is only used as a trigger for switching a profile defining notification options for the telephone only. The notification options for the agenda or calendar are unchanged. This is because Martinez is only concerned with one event generating and handling component - a cellular telephone. This is evidenced by the fact that the only paragraphs describing user preference settings - paragraphs [0008] and [0021] - lists items associated with cellular telephones, such as back light, lock dial and vibrate.

The Office Action notes that the references must be taken in their entirety and not limited to the cited passages. Although the above arguments refer to specific passages in Martinez, a reading of the entirety of this reference clearly indicates that Martinez is only concerned with a cellular telephone, and not any other device that might have two or more event generating and handling components. The Applicant submits that by ignoring this distinction, the Office Action has not considered Martinez in its entirety. A cellular telephone is only one event generating and handling component. There is no mention in Martinez of any other event generating and handling component as listed in the present claims, for example an email application, and further no teaching or suggestion that a profile defines notification options for events generated by at least two of an alarm, a calendar, email, phone and SMS, as presently claimed.

In contrast, the present claims are concerned with mobile devices that have multiple event generating and handling components. As such, Martinez is unsuitable to be applied to the present claims, as it does not deal with the same type of device as the present application and is not concerned with the challenges addressed by the present application. The automatically triggered profile taught by Martinez is insufficient for the device of the present claims, since the profile controls notification options for events generated by only the cellular phone, which is more simplistic in dealing with only one

event generating and handling component. A person skilled in the art would not turn to Martinez for a solution to a problem that concerns a device with two or more event generating and handling components because Martinez is only concerned with the more simple cellular telephone.

The Office Action admits that Martinez does not teach that the current location is determined using at least one of a cellular base station and a GPS. The Office Action relies on Moton to teach this feature. Moton discloses a system and method of using location information to execute an action, such as routing telephone calls, based on location information pinpointing the location of a wireless device. However, similar to Martinez, Moton does not teach a notification profile that defines notification control options for at least two different event generating and handling components. In column 5, lines 54-58, Moton states that features that may be activated or deactivated automatically as taught include call forwarding, call placing or initiating, and voicemail greeting recording. These are all features associated with a cellular telephone, which is a single event generating and handling component. Hence, a combination of Martinez with Moton still fails to disclose all the features of the present independent claims.

In view of the foregoing arguments, independent claims 1, 10 and 20 are all novel and unobvious over Martinez and/or Moton, because Martinez and Moton, whether taken individually or in combination, fail to disclose all the features of these claims. The remaining dependent claims include all the features of the independent claims and so are also novel and unobvious over Martinez and/or Moton for at least the same reasons.

Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the undersigned.

If any extension of time under 37 C.F.R. 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. 1.136, please charge such fees to our Deposit Account No. 195113.

Respectfully submitted,

OGILVY RENAULT LLP

Date: March 24, 2009

By: /cyw/
Christine Wong
Registration No. 62,935
Tel: (416) 216-1874
Fax: (416) 216-3930

OGILVY RENAULT LLP
Suite 3800, Royal Bank Plaza, South Tower
200 Bay Street, P.O. Box 84
Toronto, ON M5J 2Z4
Canada